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09/507,062	02/18/2000	John Peter Veschi		8896

7590 02/10/2004  
John Veschi  
8468 Oak Knoll Street  
Fogelsville, CA 18051

EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/507,062

Applicant(s)

VESCHI, JOHN PETER

Examiner

Jonathan Ouellette

Art Unit

3629

mw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2003 and 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,8-10,21-32 and 34-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-10,21-32 and 34-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date 14.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Claims 3-7, 11-20, and 33 have been cancelled and Claims 37-40 have been added; therefore, Claims 1, 2, 8-10, 21-32, 34-40 are currently pending in application 09/507,062.
2. Furthermore, as stated in the Examiner's Interview Summary (paper 14), the final rejection issued 12/10/2003 is withdrawn due to the Examiner's use of new prior art in the rejection of unamended claims.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. **Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo (US 5,895,450) in view of Herz (US 6,029,195).**
5. As per independent Claim 1, Sloo discloses a method of resolving a dispute, comprising:  
at least one plurality of parties to the dispute providing, via on-line connection, an input relating to the dispute; information related to resolution of the dispute being provided, via the on-line connection, to at least one of the parties; and providing at least a portion of the

input in a publicly accessible on-line form and allowing at least some people who access the on-line form to interact therewith. (**Abstract**, Figs.1-9, **C1 L53-67**, **C2 L1-20**, **C2 L53-67**, **C3 L1-39**, **C5 L3-20**, **C7 L28-67**, **C8 L1-49**, **C9 L11-56**, **C12 L15-24**, **C21 L22-56**, **C22 L1-20**).

6. Sloo fails to expressly disclose wherein the step of allowing interaction includes allowing a question of a party in the dispute.
7. However, Sloo does teach allowing general users the ability to post their support or opposition to the judgment and encouraging responses (C9 L50-55).
8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the step of allowing interaction includes allowing a question of a party in the dispute in the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to create a entertaining medium by soliciting opinions and interactive inputs from additional system users.
9. Sloo also fails to disclose wherein the publicly accessible on-line form includes a dispute related advertising field including an advertisement that is selected by a computer-based system.
10. Herz teaches real time profiling of user dialogs in a text chat session, in order to provide advertisements, which are relevant to the nature of the content being discussed (C7 L44-51, C67 L47-54).
11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the publicly accessible on-line form

includes a dispute related advertising field including an advertisement that is selected by a computer based system, as disclosed by Herz in the system disclosed by the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to create additional sources of income by providing user customized (target profiling) advertising (Herz: C7 L44-51, C67 L47-54).

12. As per Claim 2, Sloo and Herz disclose at least one of the parties providing payment information for use in obtaining a fee associated with the service of providing the resolution related information (Sloo: Abstract, Figs.1-9, C1 L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20).
13. **Claims 23-29, 32, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo in view of Eisen (Eisen, Joel B, "Are we ready for mediation in cyberspace?" Brigham Young University Law Review, v1998n4, pp: 1305-1358, 1998), and further in view of Herz.**
14. As per independent Claim 23, Sloo disclose a method of resolving a dispute, comprising: at least one of a plurality of parties to the dispute providing, via an online connection, an input relating to the dispute; and interaction directed towards resolving the dispute between at least one of the parties to the dispute and another person, wherein the interaction is displayed on at least a display (**Abstract, Figs.1-9, C1 L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20**).
15. Sloo fails to disclose wherein the dispute resolution occurs in substantially real-time.

16. Eisen teaches wherein on-line mediation services are conducted through the use of IRC technology – which enables users to communicate in real-time (Footnote 40, pg. 21 of 45).
17. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the dispute resolution occurs in substantially real-time, as disclosed by Eisen in the system disclosed by the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to increase the efficiency of the system by removing time-delays between user communications, and allowing the users to communicate in a real-time format.
18. Sloo also fails to disclose wherein the display includes a dispute related advertising field including an advertisement that is selected by a computer-based system.
19. Herz teaches real time profiling of user dialogs in a text chat session, in order to provide advertisements, which are relevant to the nature of the content being discussed (C7 L44-51, C67 L47-54).
20. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the display includes a dispute related advertising field including an advertisement that is selected by a computer based system, as disclosed by Herz in the system disclosed by the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to create additional sources of income by providing user customized (target profiling) advertising (Herz: C7 L44-51, C67 L47-54).

21. As per Claim 24, Sloo, Eisen, and Herz disclose wherein the other person is another party to the dispute (Sloo: Abstract, Figs.1-9, C1 L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20).
22. As per Claim 25, Sloo, Eisen, and Herz disclose wherein the other person is a third party other than one of the parties to the dispute (Sloo: Abstract, Figs.1-9, C1 L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20).
23. As per Claim 26, Sloo, Eisen, and Herz disclose enabling another third party to view the dispute without enabling the other third party to interact with the parties (Sloo: Abstract, Figs.1-9, C1 L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20).
24. As per Claim 27, Sloo, Eisen, and Herz disclose wherein the interaction comprises a question directed to the at least one of the parties (Sloo: Abstract, Figs.1-9, C1 L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20). 23
25. As per Claim 28, Sloo, Eisen, and Herz disclose wherein the interaction comprises a vote on which party should prevail (Sloo: Abstract, Figs.1-9, C1 L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20).
26. As per Claim 29, Sloo, Eisen, and Herz disclose wherein the input is in written form (Sloo: Abstract, Figs.1-9, C1 L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20).

27. As per Claim 32, Sloo, Eisen, and Herz disclose providing, via the on-line connection, information related to resolution of the dispute to at least one of the parties (Sloo: Abstract, Figs.1-9, C1 L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20).
28. As per Claim 34, Sloo, Eisen, and Herz disclose wherein a computer-based system manages the interaction between the parties (Sloo: Abstract, Figs.1-9, C1 L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20).
29. As per Claim 35, Sloo, Eisen, and Herz disclose wherein the input is related to real-life facts (Sloo: Abstract, Figs.1-9, C1 L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20).
30. As per Claim 36, Sloo, Eisen, and Herz fail to expressly disclose wherein the dispute related advertising field includes an advertisement related to a fact of the dispute (Herz: (C7 L44-51, C67 L47-54).
- 31. Claims 8-10, 21-22, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo, in view of Siefert (US 5,904,485).**
32. As per independent Claim 9, Sloo discloses a method of resolving a dispute, comprising: at least one of a plurality of parties to the dispute providing, via an on-line connection, an input relating to the dispute; information related to the resolution of the dispute be provided, via the on-line connection, to at least one of the parties; providing at least a portion of the input in a publicly accessible on-line form (**Abstract, Figs.1-9, C1 L53-67,**



C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20).

33. Sloo fails to expressly disclose allowing at least some people who access the on-line form to interact therewith based on an assessment of at least one of the person's knowledge of the law and the person's knowledge of the facts, wherein the determining step includes assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions, and wherein the person is provided another set of questions from a larger set of questions if the person does not answer a predetermined number of the questions correctly

34. However, Sloo does teach pre-qualifying the judge and jurors (C8 L5-18), and Siefert further teaches assessing the knowledge level of a user, providing education material to the user, and re-assessing the knowledge level of the user (Abstract, C7 L18-25, C9 L58-60, C15 L51-67, C16 L1-19, C19 L32-35, C20 L1-15, Fig.2-3).

35. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions in the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the help of people who have knowledge to settle the dispute, the knowledge determined through a pre-qualifying set of questions.

36. As per Claim 10, Sloo and Siefert disclose providing educational information to the person prior to providing another set of questions (Siefert: Abstract, C7 L18-25, C9 L58-60, C15 L51-67, C16 L1-19, C19 L32-35, C20 L1-15, Fig.2-3).

37. As per Claim 8, Sloo and Siefert disclose determining which people that access the online form are permitted to interact therewith based on an assessment of at least one of the person's knowledge of the law and the person's knowledge of the facts, wherein the determining step includes assessing the person's knowledge by providing the person a set of one or more questions and evaluating the person's responses to the questions (See response to independent Claim 9).
38. As per Claim 21 and 30, Sloo and Siefert disclose wherein the determining step is based on an assessment of the person's knowledge of the law (See response to independent Claim 9).
39. As per Claim 22 and 31, Sloo and Siefert disclose wherein the determining step is based on an assessment of the person's knowledge of the facts (See response to independent Claim 9).
40. **Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo in view of Eisen.**
41. As per independent Claim 37, Sloo discloses a method of resolving a dispute, comprising: at least one of a plurality of parties to the dispute providing, via an on-line connection, an input relating to the dispute; and interaction, directed towards resolving the dispute, involving at least one of the parties to the dispute (Abstract, Figs.1-9, C1 L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20).
42. Sloo fails to disclose wherein the dispute resolution occurs in substantially real-time.

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43. Eisen teaches wherein on-line mediation services are conducted through the use of IRC technology – which enables users to communicate in real-time (Footnote 40, pg. 21 of 45).
44. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the dispute resolution occurs in substantially real-time, as disclosed by Eisen in the system disclosed by the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to increase the efficiency of the system by removing time-delays between user communications, and allowing the users to communicate in a real-time format.
45. As per Claim 38, Sloo and Eisen disclose interaction of a third party with at least one of the plurality of parties to the dispute, wherein the third party is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror (Sloo: C9 L49-56).
46. As per Claim 39, Sloo and Eisen disclose wherein the substantial real-time interaction is displayed on at least a display (Sloo: Fig.1).
47. As per independent Claim 40, Sloo discloses a system for fostering the resolution of a dispute, a computer adapted to receive from at least one of a plurality of parties to the dispute, via an on-line connection, an input relating to the dispute; the computer further adapted to receive an interaction directed towards resolving the dispute between at least one of the parties to the dispute; and the computer further adapted to arrange the input and the interaction for transmission to a display of a person who is not one of (a) the plurality of parties to the dispute, (b) a judge, and (c) a juror (Abstract, Figs.1-9, C1

L53-67, C2 L1-20, C2 L53-67, C3 L1-39, C5 L3-20, C7 L28-67, C8 L1-49, C9 L11-56, C12 L15-24, C21 L22-56, C22 L1-20).

48. Sloo fails to disclose wherein the dispute resolution occurs in substantially real-time.

49. Eisen teaches wherein on-line mediation services are conducted through the use of IRC technology – which enables users to communicate in real-time (Footnote 40, pg. 21 of 45).

50. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the dispute resolution occurs in substantially real-time, as disclosed by Eisen in the system disclosed by the system disclosed by Sloo, for the advantage of providing a method of interactively settling disputes with the ability to increase the efficiency of the system by removing time-delays between user communications, and allowing the users to communicate in a real-time format.

### ***Response to Arguments***

51. Applicant's arguments with respect to Claims 1, 2, 8-10, 21-32, and 34-36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

52. Additional Literature has been referenced on the PTO-892 form sent with the prior final rejection (paper 13 - 12/10/2003), and the Examiner suggests the applicant review these documents before submitting any amendments.

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53. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached between Monday and Thursday, 8am - 5:00pm.
54. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
55. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

jo  
February 5, 2004

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